

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,) CASE NO. 4:03CR21
)
 PLAINTIFF,) JUDGE PETER C. ECONOMUS
)
 v.)
)
 LEONARD CROCKETT,) ORDER
)
 DEFENDANT.)

On August 19, 2003, the Court sentenced Defendant to 77 months imprisonment, followed by 3 years supervised release, for possession of a firearm subsequent to a felony conviction. Defendant's supervised release commenced on October 2, 2005.

On or about April 12, 2010, Defendant's probation officer submitted to the Court a Violation Report alleging one violation of the terms of Defendant's supervised release:

1. Failure to Complete Inpatient Substance Abuse Treatment – On April 9, 2010, the offender was placed in inpatient treatment. On April 10, 2010, he left the facility without permission and failed to return.

The April 12, 2010 Violation Report also alleged three positive drug screenings:

On March 2, 2010, the offender reported to the probation office and requested help for his substance abuse issues. This officer had the offender submit to a drug screen which testing (sic) positive for cocaine, marijuana, and opiates. He stated he has been using powder cocaine and smoking marijuana. When asked about the opiates, the offender advised that he has been having problems with his teeth and was prescribed the medication by a dentist. However, the offender never provided any additional proof such as a copy of his prescription or his medication bottle. This was the offender's second positive drug screening.

On March 26, 2010, the offender submitted to a random drug test through Allied Behavioral Health which tested positive for cocaine, morphine, and

marijuana. Kroll laboratories certified the results on April 1, 2010. Upon receiving those results, the offender was immediately contacted and was instructed to report to the probation office on April 5, 2010. This was the third positive drug screen for the offender.

On April 5, 2010, the offender reported to the probation officer and submitted to an instant drug screen which tested positive for cocaine. When questioned, he admitted to using powder cocaine on April 3, 2010. This event marked the fourth positive drug screening in a one year period of time.

On April 12, 2010, the Court referred the matter to United States Magistrate Judge George J. Limbert to conduct the appropriate proceedings, except for sentencing, and issue a Report and Recommendation stating the Magistrate Judge's findings. (Dkt. # 29). In the Report and Recommendation the Magistrate Judge recommended that the Court find Defendant in violation of the terms of his supervised release because, at the hearing before the Magistrate Judge, Defendant admitted to the alleged violation. (Dkt. # 36). The Magistrate Judge's Report and Recommendation is hereby **ADOPTED**.

On April 30, 2010, Defendant appeared before the Court for sentencing. The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 8-14 months pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

After review of the documents, and full consideration of the statements of Defendant, his counsel, and the U.S. Attorney, it is the judgment of this Court that Defendant's supervised release is **REVOKED** and Defendant is hereby committed to the

custody of the Bureau of Prisons for a term of fourteen (14) months. In addition, the Court recommends intense drug treatment for the Defendant. Defendant's remaining term of supervised release is hereby terminated.

IT IS SO ORDERED.

/s/ Peter C. Economus – April 30, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE